

FISCAL NOTE

SB 1835 - HB 1675

February 18, 2005

SUMMARY OF BILL: Adds any sale of tangible personal property made outside the state and intended for delivery inside the state to the definition of "retail sale." Requires out-of-state retailer making such delivery to the state to collect and remit state and local sales tax on delivered items.

ESTIMATED FISCAL IMPACT:

MINIMAL

Assumptions:

- The 1992 U.S. Supreme Court decision in *Quill Corporation v. North Dakota* prohibits states from requiring businesses without a physical presence in the state to collect and remit sales tax. This bill would be unconstitutional under *Quill* and could not be enforced. As a result, there is no fiscal impact to state government.
- The Streamlined Sales Tax Project is voluntary and does not remedy the constitutional obstacles to this bill.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director